

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF BRYON BECKER
IN SUPPORT OF GOOGLE LLC'S REPLIES IN SUPPORT OF GOOGLE LLC'S
MOTION FOR SUMMARY JUDGMENT AND MOTIONS TO EXCLUDE**

I, Bryon P. Becker, hereby declare as follows:

1. I am an associate with the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for Defendant Google LLC ("Google") in this action. I respectfully submit this declaration in support of Google's Reply in Support of Its Motion for Summary Judgment, Google's Reply in Support of Its Motion to Exclude the Testimony of Prof. Robin S. Lee, Google's Reply in Support of Its Motion to Exclude the Testimony of Dr. Timothy Simcoe, and Google's Reply in Support of Its Motion to Exclude the Testimony of Adoria Lim.

2. This declaration is based upon my personal knowledge and my review of relevant documents in this case, and I am competent to testify to the matters stated herein.

3. Attached to this declaration as Exhibit 127 is a true and correct copy of excerpts from the Expert Report of Robin S. Lee on behalf of Plaintiffs in this case, dated December 22, 2023.

4. Attached to this declaration as Exhibit 128 is a true and correct copy of excerpts from the transcript of the deposition of Bo Bradbury, Senior Vice President and Managing Director at GSD&M, taken on September 8, 2023.

5. Attached to this declaration as Exhibit 129 is a true and correct copy of email correspondence from N. Mohan to Google personnel with subject line “Display and Video Ads: 2014 Mid-Year Check-in, Strategy Update (CONFIDENTIAL),” dated July 22, 2014, produced by Google in this matter, and bearing Bates Nos. GOOG-DOJ-06589992 to GOOG-DOJ-06589995.

6. Attached to this declaration as Exhibit 130 is a true and correct copy of excerpts from a presentation titled “DoubleClick L&S Review,” dated April 2009, produced by Google in this matter, and bearing Bates Nos. GOOG-AT-MDL-009601474 to GOOG-AT-MDL-009691528.

7. Attached to this declaration as Exhibit 131 is a true and correct copy of excerpts from the Expert Report of Mark A. Israel on behalf of Google in this case, dated January 23, 2024.

8. Attached to this declaration as Exhibit 132 is a true and correct copy of excerpts from the Expert Report of Paul R. Milgrom on behalf of Google in this case, dated January 23, 2024.

9. Attached to this declaration as Exhibit 133 is a true and correct copy of excerpts from the transcript of the deposition of Susan Schiekofer in her capacity as a corporate representative of GroupM pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 26, 2023.

10. Attached to this declaration as Exhibit 134 is a true and correct copy of excerpts from the transcript of the deposition of Ken Blom, Executive Vice President of Business Strategy

and Operations at BuzzFeed, taken on August 29, 2023.

11. Attached to this declaration as Exhibit 135 is a true and correct copy of excerpts from the transcript of the deposition of Eric Hochberger, cofounder and CEO of Mediavine, taken on September 22, 2023.

12. Attached to this declaration as Exhibit 136 is a true and correct copy of excerpts from Magnite's Form 10-K for the fiscal year ended December 31, 2022, used as Exhibit 6 in the deposition of Adam Soroca in his capacity as a corporate representative of Magnite pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on August 31, 2023.

13. Attached to this declaration as Exhibit 137 is a true and correct copy of excerpts from the Expert Rebuttal Report of Robin S. Lee on behalf of Plaintiffs in this case, dated February 13, 2024.

14. Attached to this declaration as Exhibit 138 is a true and correct copy of excerpts from the transcript of the deposition of Luke Lambert in his capacity as a corporate representative of Omnicom pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on August 29, 2023.

15. Attached to this declaration as Exhibit 139 is a true and correct copy of excerpts from an invoice from GSD&M, dated December 19, 2019, produced by the Department of Justice ("DOJ") on behalf of the U.S. Air Force in this matter, and bearing Bates Nos. USAF-ADS-0000506005 to USAF-ADS-0000506063.

16. Attached to this declaration as Exhibit 140 is a true and correct copy of a document titled Public Voucher for Purchases and Services Other Than Personal, dated April 28, 2022, produced by the DOJ on behalf of the U.S. Army in this matter, and bearing Bates Nos. ARMY-ADS-0000504378 to ARMY-ADS-0000504386.

17. Attached to this declaration as Exhibit 141 is a true and correct copy of a document

titled Production Bill, dated March 4, 2020, produced by the DOJ on behalf of the U.S. Census Bureau in this matter, and bearing Bates Nos. CENSUS-ADS-0000762511 to CENSUS-ADS-0000762525.

18. Attached to this declaration as Exhibit 142 is a true and correct copy of an invoice from Universal McCann Worldwide, Inc., dated February 17, 2022, produced by the DOJ on behalf of the United States Postal Service (“USPS”) in this matter, and bearing Bates Nos. USPS-ADS-0000669681 to USPS-ADS-0000669714.

19. Attached to this declaration as Exhibit 143 is a true and correct copy of an invoice from The District Communications Group, dated July 31, 2020, produced by the DOJ on behalf of the Department of Veterans Affairs (“VA”) in this matter, and bearing Bates Nos. VET-AF-ADS-0000376131 to VET-AF-ADS-0000376155.

20. Attached to this declaration as Exhibit 144 is a true and correct copy of a document titled Digital Media Bill, dated June 20, 2022, produced by the DOJ on behalf of the U.S. Navy in this matter, and bearing Bates Nos. NAVY-ADS-0000250171 to NAVY-ADS-0000250227.

21. Attached to this declaration as Exhibit 145 is a true and correct copy of excerpts from the report of Rosa M. Abrantes-Metz on behalf of Plaintiffs in this case, dated December 22, 2023.

22. Attached to this declaration as Exhibit 146 is a true and correct copy of excerpts from the transcript of the deposition of Tim Craycroft, Google’s Vice President and General Manager for YouTube ads, display ads, app ads, and publisher products, taken on August 15, 2023.

23. Attached to this declaration as Exhibit 147 is a true and correct copy of excerpts from the transcript of the deposition of Eisar Lipkovitz, former Vice President of Display and Video Ads at Google, taken on November 10, 2023.

24. Attached to this declaration as Exhibit 148 is a true and correct copy of excerpts from the transcript of the deposition of Aparna Pappu, Vice President and General Manager of Google Workspace and former Vice President of Engineering for DFP, AdX, and AdSense, taken on August 11, 2023.

25. Attached to this declaration as Exhibit 149 is a true and correct copy of a report on a 2020 survey conducted by The Harris Poll on behalf of OpenX, titled “The Open Web vs. the Walled Gardens: Consumer Preferences & The Opportunity for Brand Marketers.”

26. Attached to this declaration as Exhibit 150 is a true and correct copy of excerpts from the transcript of the deposition of Simon Whitcombe in his capacity as a corporate representative of Meta pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 28, 2023.

27. Attached to this declaration as Exhibit 151 is a true and correct copy of excerpts from an eMarketer spreadsheet, produced by Google in this matter, and bearing Bates No. GOOG-AT-DOJ-DATA-000066787.

28. Attached to this declaration as Exhibit 152 is a true and correct copy of excerpts from the transcript of the deposition of Jeremy Helfand in his capacity as a corporate representative of Disney pursuant to Federal Rule of Civil Procedure 30(b)(6), taken on September 29, 2023.

29. Attached to this declaration as Exhibit 153 is a true and correct copy of excerpts from a presentation titled “Appendix,” dated March 2020, produced by Disney in this matter, and bearing Bates Nos. HULU-008733 to HULU-008762.

30. Attached to this declaration as Exhibit 154 is a true and correct copy of excerpts from a presentation titled “The U.S. Army: FY21 Q4 Marketing Mix Modeling National Paid Media Utilization Assessments,” dated December 10, 2021, produced by the DOJ on behalf of the

U.S. Army in this matter, and bearing Bates Nos. ARMY-ADS-0000187048 to ARMY-ADS-0000187065.

31. Attached to this declaration as Exhibit 155 is a true and correct copy of excerpts from email correspondence from P. Garlinghouse to A. Owens, et al., with subject line “June/July Media Plan Recommendation,” with attachment, dated May 21, 2021, produced by the DOJ on behalf of the U.S. Navy in this matter, and bearing Bates Nos. NAVY-ADS-0000019114 to NAVY-ADS-0000019182.

32. Attached to this declaration as Exhibit 156 is a true and correct copy of excerpts from a document titled “DVAA 2017 Strategy Book Version 1.2,” dated August 29, 2016, produced by Google in this matter, and bearing Bates Nos. GOOG-TEX-00124296 to GOOG-TEX-00124619.

33. Attached to this declaration as Exhibit 157 is a true and correct copy of excerpts from a document titled “Canada Executive Briefing: 2021 Programmatic Business Risk Analysis,” dated December 11, 2020, produced by Google in this matter, and bearing Bates Nos. GOOG-AT-MDL-006037366 to GOOG-AT-MDL-00637373.

34. Attached to this declaration as Exhibit 158 is a true and correct copy of excerpts from a spreadsheet titled “CMS AA DAO Transactions Report,” dated May 17, 2023, produced by the DOJ on behalf of the Centers for Medicare and Medicaid Services (“CMS”) in this matter, and bearing Bates No. CMS-ADS-0001096610.

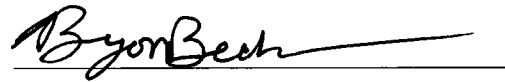
35. Attached to this declaration as Exhibit 159 is a true and correct copy of excerpts from the Expert Report of Timothy Simcoe on behalf of Plaintiffs in this case, dated December 22, 2023.

36. Attached to this declaration as Exhibit 160 is a true and correct copy of excerpts from the transcript of the deposition of Mark A. Israel, expert witness on behalf of Google in this case, taken on March 14, 2024.

37. Attached to this declaration as Exhibit 161 is a true and correct copy of excerpts from the Expert Report of Judith A. Chevalier on behalf of Google in this case, dated January 23, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 31st of May, 2024, in Washington, D.C.

A handwritten signature in black ink, reading "Bryon Becker", is written over a horizontal line.

Bryon P. Becker